



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2001-64

October 3, 2001

Mr. Anthony Signore
86 John St.
Newton Center, MA 02159

RE: DES Wetlands File #2001-01585 34 Gerald Dr., Newbury

Dear Mr. Signore:

On September 26, 2001, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Newbury Tax Map 29A as Lot 163-496 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following was documented:

1. A 27' long curved extension to a retaining wall has been built within the banks of Chalk Pond and partially within wetlands, and within 20' of the property line.
2. Approximately 600 square feet of beach has been replenished.

DES has no record of a permit being issued for these activities.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for:
 - a. Removing the new curved section of retaining wall that lies within the wetland boundary and / or within 20' of the property line and restoring the area to its original condition.
 - b. Lowering the footing of the back section of the retaining wall a minimum of 18", and removing sand to this level. This change is intended to lessen erosion caused by excessive slope, and thereby to eliminate the need for regular beach replenishment.
 - c. Installing drainage along the back section of wall to further minimize beach erosion.

Submit the following with the restoration plan

- d. A plan with dimensions, drawn to scale, showing:
 - 1. existing conditions, with wetland boundaries; and
 - 2. proposed conditions after reestablishing the jurisdictional areas;
 - e. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - f. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - g. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 70993400000306887985

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Newbury Conservation Commission
Newbury Board of Selectmen
David Killoy, USACOE